

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Continuation Patent Application Of:) Prior Application:
Kenneth Kiron and Kevin S. Bander) Application No. 09/579,801
) Filed: May 26, 2000
Mailed: April 18, 2001) Art Unit: 2761
) Examiner: Not Assigned
For: Open End Mutual Fund Securitization Process)) Present Application:
) Examiner: Not Assigned
) Art Unit: Not Assigned

Box Patent Application
Fee
Commissioner For Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

The above-identified Application is a continuation of co-pending prior U.S. Application No. 09/579,801, which is a continuation of U.S. Application No. 09/140,868 filed August 27, 1998, now U.S. Patent No. 6,088,685, which is a continuation of U.S. Application No. 08/542,431 filed October 12, 1995, now U.S. Patent No. 5,806,048. Before examination, please amend the instant Application as follows:

In the Specification:

On page 1, line 5 (of the Substitute Specification), please insert

-- This Application is a continuation of co-pending U.S. Application No. 09/579,801 filed May 26, 2000, which is a continuation of U.S. Application No. 09/140,868 filed August 27, 1998, now U.S. Patent No. 6,088,685, which is a continuation of U.S. Application No. 08/542,431 filed October 12, 1995, now U.S. Patent No. 5,806,048.- -

In the Claims:

Please cancel Claims ~~75-89~~ without prejudice.

Please replace claim 53 with the following corresponding amended claim:

53. (Amended) A method comprising the steps of:

identifying a collection of securities;

identifying a group of securities comprising a subset of the collection of securities;

separating the group of securities into a subgroup that satisfy an investment objective and comprising a subset of the group of securities;

creating an open end fund having a number of outstanding shares and comprising of the securities within the subgroup;

changing the securities comprising the group;

changing the securities comprising the subgroup in response to the changing of the securities comprising the group;

trading the outstanding shares of the fund on an exchange at a real time determined price related to the securities comprising the subgroup; and

outputting an indication of the real time determined price in a humanly readable format.

Please add the following claims:

- 90. The method of claim 53 wherein the open end fund is not a unit investment trust.
91. The method of claim 90 wherein the investment objective includes aggressive growth.
92. The method of claim 90 wherein the investment objective includes growth and income.
93. The method of claim 90 wherein the investment objective includes growth.
94. The method of claim 90 wherein the investment objective includes income.
95. The method of claim 90 wherein the investment objective includes investing in securities within a substantially similar industry.
96. The method of claim 90 wherein the investment objective includes equity.
97. The method of claim 90 wherein the investment objective is small companies.
98. The method of claim 90 wherein the investment objective is government bonds.
99. The method of claim 90 wherein the investment objective is bonds.
100. The method of claim 90 further comprising the step of listing the outstanding shares on an exchange.
101. The method of claim 90 further comprising the step of listing on an exchange a derivative having a price related to the real time determined price.
102. The method of claim 90 further comprising the step of calculating overall positions of shareholders of the outstanding shares.
103. The method of claim 90 further comprising the step of electronically trading the outstanding shares.

104. A method comprising the steps of:

listing outstanding shares of a open end fund having a portfolio comprising of securities that satisfy an investment objective and are a subset of an identified group, the securities within the portfolio being weighted and the portfolio being changeable in response to a change in the identified group;

trading the outstanding shares of the fund on an exchange at a price related to the price of the securities within the portfolio; and

displaying in real time the price that the outstanding shares were traded on the exchange.

105. The method of claim 104 further comprising the step of identifying a universe of securities registered within a country and including said identified group and other securities.

106. The method of claim 104 further comprising the step of listing a derivative having a price related to the price of the outstanding shares.

107. The method of claim 104 further comprising the step of calculating overall positions of shareholders of the outstanding shares.

108. The method of claim 104 further comprising the step of electronically trading the outstanding shares.

109. The method of claim 104 wherein the open end fund is not a unit investment trust.

110. The method of claim 104 wherein the investment objective includes aggressive growth.

111. The method of claim 104 wherein the investment objective includes growth and income.

112. The method of claim 104 wherein the investment objective includes growth.

113. The method of claim 104 wherein the investment objective includes income.

114. The method of claim 104 wherein the investment objective includes investing in securities within a substantially similar industry.

115. The method of claim 104 wherein the investment objective includes equity.

116. The method of claim 104 wherein the investment objective is small companies.

117. The method of claim 104 wherein the investment objective includes government bonds.

118. The method of claim 104 wherein the investment objective includes bonds.

119. An open end fund comprising:

a portfolio comprising of securities that satisfy an investment objective, the securities within the portfolio being weighted and the portfolio being changeable in response to a change in the identified group;

a plurality of outstanding shares of the open end fund listed and tradable on an exchange at a price related to the price of the securities within the portfolio; and

an electronic system that displays in real time the price that the outstanding shares were traded on the exchange.

120. The fund of claim 119 wherein said identified group is a subset of a universe of securities registered within a country.

121. The fund of claim 119 wherein the open end fund is not a unit investment trust.

122. The fund of claim 121 wherein the investment objective includes aggressive growth.

123. The fund of claim 121 wherein the investment objective includes growth and income.

124. The fund of claim 121 wherein the investment objective includes growth.

125. The fund of claim 121 wherein the investment objective includes income.

126. The fund of claim 121 wherein the investment objective includes investing in securities within a substantially similar industry.

127. The fund of claim 121 wherein the investment objective includes equity.

128. The fund of claim 121 wherein the investment objective is small companies.

129. The fund of claim 121 wherein the investment objective is bonds.

130. The fund of claim 121 wherein the investment objective is government bonds.

131. A method comprising the steps of:

buying outstanding shares of an open end fund having a portfolio comprising of securities that satisfy an investment objective, the securities within the portfolio being weighted and the portfolio being changeable in response to a change in the identified group;

selling the outstanding shares of the fund on an exchange at a price related to the price of the securities within the portfolio; and

displaying in real time the price that the outstanding shares were traded on the exchange.

132. The method of claim 131 wherein the fund is not a unit investment trust.

133. The method of claim 131 wherein the investment objective includes aggressive growth.

134. The method of claim 131 wherein the investment objective includes growth and income.
135. The method of claim 131 wherein the investment objective includes growth.
136. The method of claim 131 wherein the investment objective includes income.
137. The method of claim 131 wherein the investment objective includes investing in securities within a substantially similar industry.
138. The method of claim 131 wherein the investment objective includes equity.
139. The method of claim 131 wherein the investment objective is small companies.
140. The method of claim 131 wherein the investment objective is government bonds.
141. The method of claim 131 wherein the investment objective is bonds.
142. The method of claim 131 further comprising the step of identifying a universe of securities registered within a country and including said identified group and other securities.
143. A method comprising the steps of:
 - listing on an exchange outstanding shares of an open end fund having a portfolio comprising of securities that satisfy an investment objective, the portfolio being changeable in response to a change in the identified group, and the identified group being a subset of a universe of securities registered within a country;
 - providing an exchange for trading outstanding shares of the fund at a price related to the price of the securities within the portfolio; and
 - displaying in real time the price that the outstanding shares were traded on the exchange.
144. The method of claim 143 wherein the open end fund is not a unit investment trust.
145. The method of claim 143 wherein the investment objective includes aggressive growth.
146. The method of claim 143 wherein the investment objective includes growth and income.
147. The method of claim 143 wherein the investment objective includes growth.
148. The method of claim 143 wherein the investment objective includes income.
149. The method of claim 143 wherein the investment objective includes investing in securities within a substantially similar industry.
150. The method of claim 143 wherein the investment objective includes equity.
151. The method of claim 143 wherein the investment objective is small companies.
152. The method of claim 143 wherein the investment objective is bonds.

153. The method of claim 143 wherein the investment objective is government bonds.

154. A method comprising the steps of:

listing outstanding shares of an open end fund having a portfolio comprising of securities registered within a country and a subset of an identified group, the securities within the portfolio being weighted and the portfolio being changeable in response to a change in the identified group;

providing an exchange for trading the outstanding shares at a price related to the price of the securities within the portfolio; and

displaying in real time the price that the outstanding shares were traded on the exchange.

155. The method of claim 154 further comprising the step of identifying a universe of securities registered within a country and including said identified group and other securities.

156. The method of claim 154 further comprising the step of listing a derivative having a price related to the price of the outstanding shares.

157. The method of claim 154 further comprising the step of calculating overall positions of shareholders of the outstanding shares.

158. The method of claim 154 further comprising the step of electronically trading the outstanding shares.--

REMARKS

This Preliminary Amendment is being submitted in connection with a continuation Application. Independent Claim 53 has been retained for purposes of this filing. Claims 90-158 have been added. No new matter has been added by the above amendments.

Applicants enclose with this Preliminary Amendment a fee calculations sheet along with a check for the amount due. The Commissioner is hereby authorized to charge payment of any deficiency in these fees to Deposit Account No. 23-0280. A duplicate copy of this sheet is enclosed for that purpose.

In accordance with 37 C.F.R. 1.121, Applicants attach hereto one (1) sheet containing those mark-ups corresponding to the claim 53 amendments.

Attorney Docket No. 3001 P 0013

Title: "Open End Mutual Fund Securitization Process"

Inventors: Kenneth Kiron and Kevin S. Bander

Page 7

It is submitted that the currently pending claims are in condition for allowance. Should the Examiner have any issues or concerns, the undersigned respectfully requests a telephonic or personal interview.

Respectfully submitted,

Dated:

4/18/01

By:



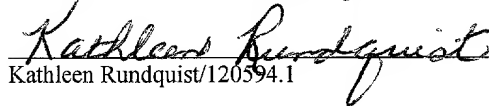
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CERTIFICATION UNDER 37 C.F.R. § 1.10

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Date of Deposit: *April 18, 2001*

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, postage prepaid, under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: BOX Patent Application, Fee, Commissioner for Patents, Washington, D.C. 20231.



Kathleen Rundquist/120594.1

ATTACHMENT A

53. (Amended) A method comprising the steps of:

identifying a collection of securities;

identifying a group of securities comprising a subset of the collection of securities;

separating the group of securities into a subgroup that satisfy an investment objective and comprising a subset of the group of securities [sector comprising a subset of the group of securities within a substantially similar industry];

creating an open end fund having a number of outstanding shares and comprising of the securities within the subgroup [sector];

changing the securities comprising the group [sector];

changing the securities comprising the subgroup [fund] in response to the changing of the securities comprising the group [sector];

trading the outstanding shares of the fund on an exchange at a real time determined price related to the securities comprising the subgroup [sector]; and

outputting an indication of the real time determined price in a humanly readable format.